



Generally speaking, “it is improper to file a motion for reconsideration, simply to ‘ask the Court to rethink what the Court had already thought through—rightly or wrongly.’” N. Carolina ex rel. Cooper v. Tennessee Valley Auth., No. 1:06CV20, 2008 WL 2115159, at \*2 (W.D.N.C. May 16, 2008) (quoting Above the Belt, Inc. v. Mel Bohannon Roofing, Inc., 99 F.R.D. 99, 101 (E.D.Va. 1983)). This court has previously noted that a motion for reconsideration is appropriate only when:

the Court has patently misunderstood a party, or has made a decision outside the adversarial issues presented to the Court by the parties, or has made an error not of reasoning but of apprehension ... [or] a controlling or significant change in the law or facts since the submission of the issue to the Court [has occurred].

Id. (quoting Wiseman v. First Citizens Bank & Trust Co., 215 F.R.D. 507, 509 (W.D.N.C. 2003)). “Such problems rarely arise and the motion to reconsider should be equally rare.” Id.

Here, plaintiff points to no such error, but argues that it is his belief that defendants are in the wrong. Such belief does not, however, give the court any basis to change its decision on a motion for reconsideration. If plaintiff believes this court is wrong, plaintiff has the right to appeal this decision to the Court of Appeals for the Fourth Circuit and he will be given instructions at the end of this Order as to how to notice an appeal.

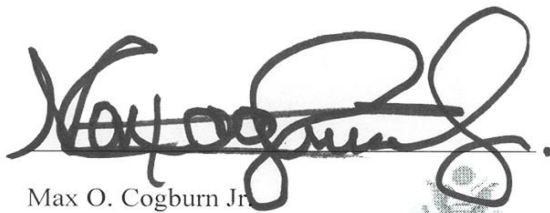
### **ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiff’s Motion for Reconsideration (#28) is GRANTED, and after such reconsideration, the court reaffirms its Order and the Judgment dismissing this action.

### **Advice of Appellate Rights**

In accordance with Wilder v. Chairman of the Central Classification Bd., 926 F.2d 367, 371 (4th Cir.)("while not mandated, the preferable practice is to include a statement to all final orders involving *pro se* litigants setting forth the litigants' appellate rights"), cert. denied, 502 U.S. 832 (1991), plaintiff is hereby advised of the right to appeal this decision to the Court of Appeals of the Fourth Circuit in the manner described in Rule 3, Federal Rules of Appellate Procedure, by filing a Notice of Appeal with the Clerk of this Court within the time prescribed in Rule 4, Federal Rules of Appellate Procedure, which is **30 days** from entry of this Order. Failure to file a Notice of Appeal within the first 30-day period after entry of judgment or this Order denying relief upon reconsideration requires the filing of a motion for extension of time and a notice of appeal within the second 30-day period after entry of judgment. Fed. R. App. P. 4(a)(5). See United States ex rel. Leonard v. O'Leary, 788 F.2d 1238, 1240 (7th Cir. 1986).

Signed: March 31, 2016



Max O. Cogburn Jr.  
United States District Judge